

EXHIBIT F



Eckert Seamans Cherin & Mellott, LLC
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File No.: 308729-00004

Nicholas M. Gaunce, Esq.
609 989 5058
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November 30, 2018

Via Process Service
Records Custodian
TD Bank, N.A.
1701 Marlton Pike East
Cherry Hill, NJ 08034

RE: NextGear Capital, Inc. v. The Luxury Haus, Inc., et al
Docket No. BER-L-7268-16

Dear Sir/Madam:

We represent the plaintiff, NextGear Capital, Inc. ("NextGear") in the above-captioned action. Enclosed, please find a Subpoena *Duces Tecum* that requests you produce certain documents as specified in the Subpoena. ***Please note that responsive records may be mailed in lieu of a formal appearance but cannot be produced before the return date set forth in the subpoena.***

If you are notified that a Motion to Quash the Subpoena has been filed then do not produce the subpoenaed documents until ordered by the Court or until all parties to this action consent to the release of the subpoenaed evidence.

Please contact my office should you have any questions. Thank you for your prompt attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to be "N. Gaunce", written over a horizontal line.

NICHOLAS M. GAUNCE

(via fax)(w/enc.)

cc: Ian Hirsch, Esq.
Richard P. Galler, Esq.
Ross Katz, Esq.
Paul S. Doherty, III, Esq.

ECKERT SEAMANS CHERIN & MELLOTT, LLC

Nicholas M. Gaunce, Esq. (N.J. Attorney ID No. #012032007)

Physical Address: 2000 Lenox Drive, Suite 203, Lawrenceville, NJ 08648

Mailing Address: P.O. Box 5404, Princeton, NJ 08543

Telephone: (609) 392-2100

Facsimile: (609) 392-7956

Attorneys for Plaintiff, NextGear Capital, Inc.

NEXTGEAR CAPITAL, INC.,

Plaintiff,

v.

THE LUXURY HAUS, INC., and
ANTONIO L. GUTIERREZ, and ABC CO.,
and EDITH GUTIERREZ, jointly and
severally,

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: BERGEN COUNTY: LAW DIVISION
: DOCKET NO.: BER-L-7268-16
:
:
:

Civil Action

: **SUBPOENA DUCES TECUM**
:
:
:

THE STATE OF NEW JERSEY TO:

Records Custodian
TD Bank, N.A.
1701 Marlton Pike East
Cherry Hill, NJ 08034


YOU ARE HEREBY COMMANDED to attend and give testimony before the above-named Court at the offices of Eckert Seamans Cherin & Mellott, LLC, 2000 Lennox Drive, Suite 203, Lawrenceville, New Jersey 08648, on December 21, 2018, at 10:00 o'clock a.m., in the above-entitled action and, pursuant to R. 1:9-2, that you have and bring with you and produce at the same time and place the following documents:

- 1. Any and all bank checks, cashier's checks, treasurer's checks, checks, any negotiable instrument or other payment instrument connected with the withdrawal slips that are attached here Exhibit "A."**

Pursuant to R. 4:14-7(c), subpoenaed evidence shall not be produced or released until the date specified for return of the subpoena. If you are notified that a motion to quash the subpoena has been filed, you shall not produce or release the subpoenaed evidence until ordered to do so

by the Court or the release is consented to by all parties to this action. In lieu of a personal appearance, certified records will be accepted.

Failure to comply with this subpoena will subject you to such penalties as are provided by law.



Nicholas M. Gaunce, Esq.
**Eckert Seamans Cherin
& Mellott, LLC**
Attorneys for Plaintiff, NextGear Capital, Inc.

/s/ Michelle M. Smith, Esq.
Michelle M. Smith, Clerk
Superior Court of New Jersey

Dated: November 30, 2018

EXHIBIT A

TD Bank **7412** **CHECKING WITHDRAWAL**
EXP-9/30/19

NAME Lucy Hsu DATE 10/3/2016
 PLEASE PRINT
 WRITE ABOVE IN FULL ON REVERSE SIDE
 S. CHARTERIS

ACCOUNT # 6473 \$ 9500.00

⑆54⑆ 1064⑆ ⑆00

Account: 6473
 Amount: 9,500.00
 PostDate: 20161003
 Tran_ID: 737908466
 CheckNum: 0
 DIN: 737908471
 ReturnReasonCode:

TD Bank **CHECKING WITHDRAWAL**

NAME Raul A. Garcia DATE 10-12-16
 PLEASE PRINT
 WRITE ABOVE IN FULL ON REVERSE SIDE
 SIGNATURE

ACCOUNT # 6473 \$ 6900.00

⑆54⑆ 1064⑆ ⑆00

Account: 6473
 Amount: 69,000.00
 PostDate: 20161012
 Tran_ID: 767500841
 CheckNum: 0
 DIN: 767500851
 ReturnReasonCode:

DDN DEBIT **APERCNT**
 47 12259 20161003 6473
 Little Ferry 0773 94004 4357 4 0020

Account: 6473
 Amount: 9,500.00
 PostDate: 20161003
 Tran_ID: 737908466
 CheckNum: 0
 DIN: 737908471
 ReturnReasonCode:

DDN DEBIT **RGUERR**
 46 102703 20161012 6473
 Hackensack-Court Hou 0031
 486 103224 MULTITRAN

Account: 66473
 Amount: 69,000.00
 PostDate: 20161012
 Tran_ID: 767500841
 CheckNum: 0
 DIN: 767500851
 ReturnReasonCode:

TD Bank **CHECKING WITHDRAWAL**

NAME Luxury House DATE 10/13/2016
Ferry Street, Providence SIGNATURE [Signature]
 WE'VE AVOIDED A FIDELITY ADVISORY LINE

AMOUNT \$ 43,000.00

ACCOUNT # 6473 500

Account: 6473
 Amount: 43,000.00
 PostDate: 20161013
 Tran_ID: 550435526
 CheckNum: 0
 DIN: 550435536
 ReturnReasonCode:

TD Bank **CHECKING WITHDRAWAL**

NAME Luxury House DATE 10/13/2016
400 Little Ferry Road SIGNATURE [Signature]
 WE'VE AVOIDED A FIDELITY ADVISORY LINE

AMOUNT \$ 150,000.00

ACCOUNT # 6473 500

Account: 6473
 Amount: 150,000.00
 PostDate: 20161017
 Tran_ID: 564983906
 CheckNum: 0
 DIN: 564983916
 ReturnReasonCode:

TD Bank **CHECKING WITHDRAWAL**

NAME Luxury House DATE 10/13/2016
400 Little Ferry Road SIGNATURE [Signature]
 WE'VE AVOIDED A FIDELITY ADVISORY LINE

AMOUNT \$ 43,000.00

ACCOUNT # 6473 500

Account: 6473
 Amount: 43,000.00
 PostDate: 20161013
 Tran_ID: 550435526
 CheckNum: 0
 DIN: 550435536
 ReturnReasonCode:

TD Bank **CHECKING WITHDRAWAL**

NAME Luxury House DATE 10/13/2016
400 Little Ferry Road SIGNATURE [Signature]
 WE'VE AVOIDED A FIDELITY ADVISORY LINE

AMOUNT \$ 150,000.00

ACCOUNT # 6473 500

Account: 6473
 Amount: 150,000.00
 PostDate: 20161017
 Tran_ID: 564983906
 CheckNum: 0
 DIN: 564983916
 ReturnReasonCode:

ID Bank **CHECKING WITHDRAWAL**

NAME: Paul Anthony DATE: 10/18/16

ACCOUNT: 433066643 AMOUNT: \$ 58,700.00

POSTDATE: 10/18/16

TRAN_ID: 500440331

CHECKNUM: 0

DIN: 500440341

RETURNREASONCODE:

ID Bank **CHECKING WITHDRAWAL**

NAME: Paul Anthony DATE: 10/18/16

ACCOUNT: 433066643 AMOUNT: \$ 58,700.00

POSTDATE: 10/18/16

TRAN_ID: 500440331

CHECKNUM: 0

DIN: 500440341

RETURNREASONCODE:

Account: 6473

Amount: 163,016.71

PostDate: 20161019

Tran_ID: 736941711

CheckNum: 0

DIN: 736941756

ReturnReasonCode:

ID Bank **CHECKING WITHDRAWAL**

NAME: Paul Anthony DATE: 10/18/16

ACCOUNT: 433066643 AMOUNT: \$ 58,700.00

POSTDATE: 10/18/16

TRAN_ID: 500440331

CHECKNUM: 0

DIN: 500440341

RETURNREASONCODE:

ID Bank **CHECKING WITHDRAWAL**

NAME: Paul Anthony DATE: 10/18/16

ACCOUNT: 433066643 AMOUNT: \$ 58,700.00

POSTDATE: 10/18/16

TRAN_ID: 500440331

CHECKNUM: 0

DIN: 500440341

RETURNREASONCODE:

Account: 6473

Amount: 163,016.71

PostDate: 20161019

Tran_ID: 736941711

CheckNum: 0

DIN: 736941756

ReturnReasonCode:

TD Bank **CHECKING WITHDRAWAL**
Paul Gutierrez
Twenty Five Thousand or **no/zero**
6473 \$ **25000.00**
Luxury Plaza
500
1510-10641

Account: **6473**
 Amount: 25,000.00
 PostDate: 20161021
 Tran_ID: 738468696
 CheckNum: 0
 DIN: 738468701
 ReturnReasonCode:

TD Bank **CHECKING WITHDRAWAL**
Luxury Plaza
Twenty Five Thousand or **no/zero**
6473 \$ **13676.00**
500
1510-10641

Account: **66473**
 Amount: 13,676.00
 PostDate: 20161021
 Tran_ID: 738468706
 CheckNum: 0
 DIN: 738468711
 ReturnReasonCode:

DDW DEBIT **APERCONT** **000** **473**
Little Ferry 0773 **94004 4257 4** **0063**
23 133646 MULTI-TRAN

Account: **6473**
 Amount: 25,000.00
 PostDate: 20161021
 Tran_ID: 738468696
 CheckNum: 0
 DIN: 738468701
 ReturnReasonCode:

DDW DEBIT **APERCONT** **1367800** **4473**
Little Ferry 0773 **94004 4257 4** **0066**

Account: **66473**
 Amount: 13,676.00
 PostDate: 20161021
 Tran_ID: 738468706
 CheckNum: 0
 DIN: 738468711
 ReturnReasonCode:

Account: [REDACTED] 6473
Amount: 27,400.00
PostDate: 20161026
Tran_ID: 718126701
CheckNum: 0
DIN: 718126716
ReturnReasonCode:

REC 14158 20161026 000000000000000000
DOWN THE BIT RAYALA 3740100
11pm 0653 840045563 6 0144
[REDACTED] 0683 141924 MULTI-TRAN

TD Bank CHECKING WITHDRAWAL

NAME Lucy M. Haas DATE 11/2/2016

ACCOUNT NO. 6473 SIGNATURE [Signature]

AMOUNT \$ 473 \$ 0000.00

ISSUED TO 500

Account: 6473
 Amount: 8,000.00
 PostDate: 20161102
 Tran_ID: 724242211
 CheckNum: 0
 DIN: 724242216
 ReturnReasonCode:

TD Bank CHECKING WITHDRAWAL

NAME Lucy M. Haas DATE 11/2/2016

ACCOUNT NO. 6473 SIGNATURE [Signature]

AMOUNT \$ 473 \$ 58064.75

ISSUED TO 500

Account: 6473
 Amount: 58,064.75
 PostDate: 20161109
 Tran_ID: 547577621
 CheckNum: 0
 DIN: 547577631
 ReturnReasonCode:

DD# 690 174034 20161102 800000

DD# DEBIT RRDRIG7

Little Ferry 0773 94004 4257 3 0 62

Account: 6473
 Amount: 8,000.00
 PostDate: 20161102
 Tran_ID: 724242211
 CheckNum: 0
 DIN: 724242216
 ReturnReasonCode:

DD# 690 174034 20161109 800000

DD# DEBIT RRDRIG7

Little Ferry 0773 94004 4257 3 0 62

Account: 6473
 Amount: 58,064.75
 PostDate: 20161109
 Tran_ID: 547577621
 CheckNum: 0
 DIN: 547577631
 ReturnReasonCode:

Account:	██████████	6473
Amount:	4,900.00	
PostDate:	20161115	
Tran_ID:	530271321	
CheckNum:	0	
DIN:	530271326	
ReturnReasonCode:		

DDW_DEBIT	34122	20161115	000000000000000000
RAYALA	94004	5663 6	0162
Union 0463			

DDW_DEBIT	32 140951	20161128	██████████
RAYALA	94004	5663 6	0162
Union 0463			

TD Bank [REDACTED] CHECKING WITHDRAWAL
 NAME LARRY HAYS DATE 01/16/16
First Withdrawal SIGNATURE [Signature]
 ACCOUNT # [REDACTED] 0473 \$ 50000.00
 ISSUED - 1004416

Account: [REDACTED] 6473
 Amount: 50,000.00
 PostDate: 20161201
 Tran_ID: 742341326
 CheckNum: 0
 DIN: 742341331
 ReturnReasonCode:

TD Bank [REDACTED] CHECKING WITHDRAWAL
 NAME LARRY HAYS DATE 01/30/16
Second Withdrawal SIGNATURE [Signature]
 ACCOUNT # [REDACTED] 6473 \$ 20576.09
 ISSUED - 1004416

Account: [REDACTED] 6473
 Amount: 20,576.09
 PostDate: 20161216
 Tran_ID: 707380686
 CheckNum: 0
 DIN: 707380696
 ReturnReasonCode:

304 160317 20161201
 DDV DEBIT NBARIETT
 Union 0463 94004 5663 7 0477
 780 160503 MULTITRAN

Account: [REDACTED] 66473
 Amount: 50,000.00
 PostDate: 20161201
 Tran_ID: 742341326
 CheckNum: 0
 DIN: 742341331
 ReturnReasonCode:

DDV DEBIT KPATE11
 First Lawt 0232 94004 5232 7 0029
 770 145708 MULTITRAN

Account: [REDACTED] 6473
 Amount: 20,576.09
 PostDate: 20161216
 Tran_ID: 707380686
 CheckNum: 0
 DIN: 707380696
 ReturnReasonCode:

TD Bank CHECKING WITHDRAWAL

NAME Lucy Hous DATE 12/18/2016

WRITE AMOUNT IN FULL ON ABOVE LINE

AMOUNT \$ 473 \$ 32950.00

ACCOUNT: 6473 5000

AMOUNT: 32,950.00

POSTDATE: 20161228

TRAN_ID: 757793266

CHECKNUM: 0

DIN: 757793271

ReturnReasonCode:

TD Bank CHECKING WITHDRAWAL

NAME Lucy Hous DATE 12/18/2016

WRITE AMOUNT IN FULL ON ABOVE LINE

AMOUNT \$ 473 \$ 32950.04

ACCOUNT: 6473 5000

AMOUNT: 32,950.04

POSTDATE: 20170118

TRAN_ID: 532837566

CHECKNUM: 0

DIN: 532837571

ReturnReasonCode:

Wells Fargo Bank Service

ID-NT 623733278276 154518 MULTI-TRAN 20161228 000000004332686473

EDW DEBIT 000

Twenty-First Ave 0689 94004 2273 2 0033

227333278276 154518 MULTI-TRAN

ACCOUNT: 6473

AMOUNT: 32,950.00

POSTDATE: 20161228

TRAN_ID: 757793266

CHECKNUM: 0

DIN: 757793271

ReturnReasonCode:

Wells Fargo Bank Service

ID-NT 623733278276 154518 MULTI-TRAN 20170118 000000004332686473

EDW DEBIT 000

Twenty-First Ave 0689 94004 2273 2 0033

227333278276 154518 MULTI-TRAN

ACCOUNT: 6473

AMOUNT: 32,950.04

POSTDATE: 20170118

TRAN_ID: 532837566

CHECKNUM: 0

DIN: 532837571

ReturnReasonCode:

TD Bank CHECKING WITHDRAWAL

NAME Walter Hines 3/16/2019
Two Thousand Nine Hundred Eighty Nine
WRITE AMOUNT IN FULL ON ABOVE LINE

ACCOUNT # 6473 \$ 2380.80

AMOUNT \$500

Account: 6473
 Amount: 2,380.80
 PostDate: 20170216
 Tran_ID: 532576796
 CheckNum: 0
 DIN: 532576801
 ReturnReasonCode:

TD Bank CHECKING WITHDRAWAL

NAME Paul Gelpowicz 3/16/2019
Thirteen Thousand Five Hundred
WRITE AMOUNT IN FULL ON ABOVE LINE

ACCOUNT # 6473 \$ 13500.00

AMOUNT \$500

Account: 6473
 Amount: 13,500.00
 PostDate: 20170301
 Tran_ID: 722278346
 CheckNum: 0
 DIN: 722278351
 ReturnReasonCode:

DDP DEBIT NO DEPOS 25000
 Twenty-First Ave 0689 94004 2273 6 0043
 MULTI-TRAN

Account: 6473
 Amount: 2,380.80
 PostDate: 20170216
 Tran_ID: 532576796
 CheckNum: 0
 DIN: 532576801
 ReturnReasonCode:

MM9910 TEST

EDW DEBIT TWENTY 1500000
 Twenty-First Ave 0689 94004 2273 4 0016
 MULTI-TRAN

07/28/19

Account: 6473
 Amount: 13,500.00
 PostDate: 20170301
 Tran_ID: 722278346
 CheckNum: 0
 DIN: 722278351
 ReturnReasonCode:

TD Bank **CHECKING WITHDRAWAL**
 44504-3919
 - 63782

NAME: Paul Gheraie OR 6
 PLEASE PRINT FULL NAME
 WRITE AMOUNT IN FULL ON LINE BY 3/16/19
 NOT A 493 \$ 9800.00
 500

DATE (MM/DD) _____ TIME (H) _____

Account: 473
 Amount: 9,800.00
 PostDate: 20170315
 Tran_ID: 746908291
 CheckNum: 0
 DIN: 746908296
 ReturnReasonCode:

DDW DEBIT
 175 150438 20170315 980003
 Union City 0747 94004 5747 8 0117

Account: 473
 Amount: 9,800.00
 PostDate: 20170315
 Tran_ID: 746908291
 CheckNum: 0
 DIN: 746908296
 ReturnReasonCode:

TD Bank **CHECKING WITHDRAWAL**
 107882-912619
 NAME The Henry Haus Family DATE 12/19/2018
 PLEASE PRINT
Joe Hausman Debit
 WRITE AND PRINT IN FULL ON ABOVE LINE
 SIGNATURE [Signature]
 ACCT # [Redacted] 682 \$ 5000.00
 :5140-1081: 500

Account: 8682
 Amount: 5,000.00
 PostDate: 20171024
 Tran_ID: 558563671
 CheckNum: 0
 DIN: 558563676
 ReturnReasonCode:

TD Bank **CHECKING WITHDRAWAL**
 107882-912619
 NAME Luxury Haus Family DATE 12/19/2018
 PLEASE PRINT
Joe Hausman Debit
 WRITE AND PRINT IN FULL ON ABOVE LINE
 SIGNATURE [Signature]
 ACCT # [Redacted] 682 \$ 2000.00
 :5140-1081: 500

Account: 8682
 Amount: 2,500.00
 PostDate: 20171026
 Tran_ID: 711419416
 CheckNum: 0
 DIN: 711419421
 ReturnReasonCode:

TD Bank **CHECKING WITHDRAWAL**
 107882-912619
 NAME The Henry Haus Family DATE 12/19/2018
 PLEASE PRINT
Joe Hausman Debit
 WRITE AND PRINT IN FULL ON ABOVE LINE
 SIGNATURE [Signature]
 ACCT # [Redacted] 682 \$ 5000.00
 :5140-1081: 500

Account: 8682
 Amount: 5,000.00
 PostDate: 20171024
 Tran_ID: 558563671
 CheckNum: 0
 DIN: 558563676
 ReturnReasonCode:

TD Bank **CHECKING WITHDRAWAL**
 107882-912619
 NAME Luxury Haus Family DATE 12/19/2018
 PLEASE PRINT
Joe Hausman Debit
 WRITE AND PRINT IN FULL ON ABOVE LINE
 SIGNATURE [Signature]
 ACCT # [Redacted] 682 \$ 2000.00
 :5140-1081: 500

Account: 8682
 Amount: 2,500.00
 PostDate: 20171026
 Tran_ID: 711419416
 CheckNum: 0
 DIN: 711419421
 ReturnReasonCode: